

74-68

708

The Honorable Thomas S. Zilly

FILED  
LODGED  
ENTERED  
RECEIVED

MAY 23 2002 MR

LITTLE  
DISTRICT COURT  
OF WASHINGTON  
DEPUTY

CV 01-01081 #00000031

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLEMUO TRAN, KIM CUC NGUYEN, NHU  
HUU TRAN, a minor child, LOAN HUU  
TRAN, a minor child,

Plaintiffs,

v.

CITY OF SEATTLE, et al.,

Defendants.

No. CO1-1081-Z

DECLARATION OF DANIEL  
BESTE IN SUPPORT OF  
SUMMARY JUDGMENT

DANIEL J BESTE declares as follows:

1 I make this declaration on the basis of personal knowledge and am  
competent to testify to the matters herein.

2. I am a sergeant with the Seattle Police Department and was so on July  
19, 1999.

3. On July 19, 1999, I received two calls for fast back up from Officers Little  
and Waldorf. Over the radio, I could hear a tremendous amount of yelling and  
screaming. I notified dispatch that I was on my way to the officers' location at 5101  
South Orchard Street.

DECLARATION OF DANIEL BESTE IN SUPPORT  
OF SUMMARY JUDGMENT - 1

M:\CLIENTS\3019\22003\FEDERAL PLEADINGS\BESTE DECLARATION.DOC

ORIGINAL

STAFFORD FREY COOPER  
Professional Corporation

ATTORNEYS

2500 RAINIER TOWER  
1301 FIFTH AVENUE  
SEATTLE, WASHINGTON 98101-2621  
TEL. (206) 623-9900

31

1 4. By the time I arrived, the plaintiffs and Hoa Tran were all handcuffed. I  
2 discussed the situation with my officers. I learned that Mr. Tran and Ms. Nguyen and  
3 Hoa Tran attacked the officers, resisted arrest, interfered with the officers' attempts to  
4 make arrests, and violently assaulted the officers. Based on the information I learned, I  
5 made the decision that the plaintiffs should be sent to jail.

6 5. Upon making that decision, I discussed the situation with members of the  
7 Tran family who were also present at the house. I found an adult family member of  
8 suitable age and discretion to take custody of the minor children, Nhu Huu Tran and  
9 Loan Huu Tran.

10 6. I was not involved in the incident underlying this complaint in any other  
11 way.

12 7. I firmly believe that I acted reasonably under the facts and circumstances  
13 known to me at the time of this incident.

14 I CERTIFY under penalty of perjury under the laws of Washington State that the  
15 foregoing is true and correct.

16 DATED this 17 day of APRIL, 2002.

17  
18   
19 Daniel J. Beste

20  
21  
22  
23  
DECLARATION OF DANIEL BESTE IN SUPPORT  
OF SUMMARY JUDGMENT - 2

M:\CLIENTS\3019\22003\FEDERAL PLEADINGS\BESTE DECLARATION.DOC

STAFFORD FREY COOPER  
Attorneys  
2500 RAINIER TOWER  
1301 FIFTH AVENUE  
SEATTLE, WASHINGTON 98101-2621  
TEL (206) 623-9900